The Correctional Investigator Canada

2006-2007

Departmental Performance Report

The Honourable Stockwell Day, P.C., M.P.
Minister of Public Safety

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SECTION I: OVERVIEW

A. Correctional Investigator's Message

As Canada's federal prison Ombudsman offering independent oversight of federal Corrections, the Office of the Correctional Investigator (OCI) contributes to public safety and the promotion of human rights by providing independent and timely review of offender complaints. The OCI makes recommendations that assist in the development and maintenance of an accountable federal correctional system that is fair, humane and effective. In order to achieve this result for Canadians, the OCI monitors and investigates the acts, omissions, decisions and recommendations of the Correctional Service of Canada (CSC), to help ensure that CSC carries out its statutory mandate in compliance not only with its own policies and procedures, but also with its domestic and international legal and human rights obligations.

This past year, my staff has again addressed more than 7,500 individual offender inquiries and complaints. The workload at the OCI has been growing in recent years. Many complaints have become more difficult to address, in part due to the increasing number of federal offenders with significant mental health issues housed in Canada's penitentiaries. Furthermore, as policy and legal issues become increasingly complex, it takes more time and effort to thoroughly review and investigate complaints. Again this year, workload pressures have challenged our ability to effectively carry out our legislative mandate. We will continue to pursue additional resources to ensure the Office addresses these pressures.

I will take this opportunity to convey my sincere appreciation and admiration for the work my staff has accomplished this year, as it has been an especially challenging time for my Office. In November 2006, after over two and a half years of auditing work, the Auditor General (AG, Chapter 11) reported alleged improprieties by a previous Correctional Investigator. The audit covered the period between 1998-1999 and 2003-2004. The report also raised concerns regarding governance, financial management and human resources policies. The Office acted promptly and decisively to address these concerns, a task that included initiating and finalizing the recovery efforts recommended in the audit report. Despite this additional workload, my Office was able to carry out its legislative mandate with a high degree of professionalism and enthusiasm. I cannot thank my employees enough for their dedication, hard work and invaluable contribution.

Again this year, limited gains have been made on several key systemic issues identified by the OCI, including addressing gaps in mental health services, removing systemic barriers that prevent timely safe reintegration of Aboriginal offenders into the community, and ensuring the delivery of appropriate programs and services to women offenders. Moreover, over the last decade, the OCI has become increasingly concerned about the high number of deaths and self-inflicted injuries in federal institutions.

As a result, this past year, I initiated a study on inmate deaths in federal custody. This study, publicly released on June 27, 2007, examined all reported deaths, due to factors

other than natural causes, occurring over a five-year period in Canadian penitentiaries. The *Deaths in Custody Study* examined 82 reported suicides, homicides, and accidental deaths in custody from 2001 to 2005. The report provided evidence that the Correctional Service has limited capacity to keep a corporate focus on recommendations related to deaths in custody. It documented a failure to consistently incorporate lessons learned and implement corrective action over time and across regions, as such the same errors and recommendations are being made time and again. The Correctional Service has begun to respond to the issues identified in the study.

In the next fiscal year, the OCI will continue to pursue resolution of key areas of focus and the many barriers that restrict the Correctional Service's ability to maximize its positive impact on public safety identified in my last Annual Report 2006-2007. The OCI will continue to be committed to foster a collaborative, respectful and productive relationship with the CSC, and to work diligently to carry out its challenging mandate with the highest degree of professionalism.

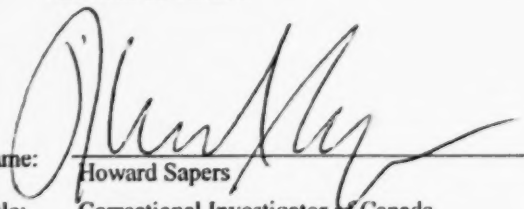
Howard Sapers
Correctional Investigator

B. Management Representation Statement

I submit for tabling in Parliament, the 2006–2007 Departmental Performance Report for the Correctional Investigator Canada.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2006–2007 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board Secretariat guidance;
- It is based on the department's approved Strategic Outcome(s) and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved numbers from the Estimates and the Public Accounts of Canada.



Name: Howard Sapers

Title: Correctional Investigator of Canada

C. Summary Information

Agency's Reason for Existence

The Office of the Correctional Investigator (OCI) provides Canadians with timely, independent, thorough and objective monitoring of their federal correctional system to ensure that it remains safe, secure, fair, equitable, humane, reasonable and effective. Essentially, its oversight role is to ensure that the Correctional Service of Canada (CSC) carries out its statutory mandate in compliance with its domestic and international legal and human rights obligations.

Financial Resources (in thousands)

	2006–2007	
Planned Spending	**Total Authorities**	**Actual Spending**
3,114	3,268	3,156

Human Resources

	2006–2007	
Planned	**Actual**	**Difference**
22	22	--

Status on Performance			**2006–2007**	
			Planned Spending	**Actual Spending**
Strategic Outcome: The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion				
Priority 1 Investigate and resolve individual offender issues	**Program Activity** Oversight of correctional operations **Expected Result** Individual offender complaints are reasonably addressed by the Correctional Service of Canada (CSC) and corrective action is taken (when necessary)	**Performance Status** Exceeded expectations	1,310	1,365
Priority 2 Investigate, monitor and resolve systemic offender issues (Mental Health is an area of special	**Program Activity** Oversight of correctional operations **Expected Result**	**Performance Status** Not met	766	614

interest)	Systemic issues will be acknowledged by CSC and corrective action taken			
Priority 3 Monitor, evaluate and provide representations on CSC management of mandated issues (s.19 investigations and Use of Force incidents)	**Program Activity** Oversight of correctional operations **Expected Result** Increased thoroughness, objectivity and timeliness of the Correctional Service of Canada's investigative process regarding s.19 Investigations and Use of Force incidents	**Performance Status** Not met	211	272
Priority 4 Investigate, resolve and provide leadership on specifically identified issues (e.g. Women Offenders and Aboriginal Offenders)	**Program Activity** Oversight of correctional operations **Expected Result** Improvement in CSC performance with regard to specific issues related to Women Offenders and Aboriginal Offenders	**Performance Status** Not met	320	154

D. Operating Environment and Context

The mandate of the Correctional Service of Canada (CSC) is to manage the sentence of the court consistent with the rule of law, respectful of individual and collective human rights. While giving primacy to the protection of the public, Canadians legitimately expect a correctional system that reflects their values, provides safe and humane custody which supports the offender's successful reintegration into society.

The primary function of the Correctional Investigator, as an Ombudsman for federal offenders, is to independently investigate and facilitate resolution of individual offender issues. In 2006-2007, the Office's investigative staff managed nearly eight thousand offender complaints, spent over four hundred working days in federal institutions, interviewed twenty seven hundred offenders and at least half as many institutional staff. As in years past, it is with the resolution of the individual offender issues at the institutional level where the OCI has achieved its best performance in terms of providing expected results.

Where the OCI has been less successful, is influencing CSC to recognize and address systemic offender issues in a timely and reasonable fashion. Despite considerable investment in a more holistic approach, a sustained dialogue with CSC officials at all levels and a broad spectrum of recommendations towards improvement or resolution of systemic issues, limited gains have been made on several key systemic issues identified by the OCI, including addressing gaps in mental health services, removing systemic barriers that prevent timely safe reintegration of Aboriginal offenders into the community, and ensuring the delivery of appropriate programs and services to women offenders. Moreover, over the last decade, the OCI has become increasingly concerned about the high number of deaths and self-inflicted injuries in federal institutions.

The over-representation of offenders with mental health issues has affected the quality of institutional life, with the safety and security of both inmate and staff, and the respect of offenders' basic human right being negatively impacted. Evidence can be found, among a multitude of indicators, such as in the number and duration of placements in administrative segregation or similar custody arrangements, the increases in the number of incidents of institutional violence, and in the number of incidents where force is used by correctional staff against offenders. In turn, all of these manifestations result in a growing number of highly sensitive and complex issues being brought to the attention of the OCI, that are either directly about or relate to the gaps in the treatment of offenders suffering from mental health issues.

Another challenge for the OCI stems from CSC's perennial lack of progress in significantly improving the correctional outcomes it offers to Aboriginal Canadians. Although the issue is largely beyond CSC's control, they continue to be overrepresented within the offender population. They also continue to be overrepresented in higher security institutions, due in part to the culturally insensitive security classification tools still used by CSC, despite being denounced as unfair and ineffective not only by the OCI, but also by many partners involved in Aboriginal corrections and in academic circles.

Moreover, Aboriginal offenders continue to be overrepresented in the segment of the offender population that serves the bulk or its entire sentence within the penitentiary, rather than benefiting from a timely conditional release to their community. They also continue to be overrepresented among the offender population whose conditional release is suspended and/or revoked before the expiry of their warrant.

To fully understand and appreciate why Aboriginal offenders suffer such a fate within the correctional system, one must look beyond the generalities of cultural differences and systemic obstacles and also beyond the confines of the institution. The focus must also be on the lack of employment opportunities, adequate housing, accessible health care, mental health and post-penal after care services.

There have been some improvements in the situation for women offenders in recent years. The Prison for Women was replaced a number of years ago by five new regional facilities and a healing lodge which accommodate women offenders in closer proximity to their community. The women's maximum security units in male penitentiaries have also been closed. A Deputy Commissioner for Women has now been in place for a decade, which has assisted in maintaining a focus on women's correctional issues.

Unfortunately, this Office remains concerned about the significant barriers to the safe reintegration of women offenders, such as the overall lack of access to programming specifically designed to meet the needs of women. As well, there is not enough meaningful employment and employability programming, and inadequate accommodation and support for women offenders upon their release into the community. Access to programs in maximum security units remains problematic. Systemic barriers and limited opportunities persist for Aboriginal women offenders to reintegrate in a timely fashion into their home communities as evidenced by the disproportionate number of Aboriginal offenders on conditional release.

In the OCI Annual Report 2005-2006, the Office raised its concern about the number of similar recommendations made year after year by the Correctional Service of Canada's national Board of Investigations, provincial coroners, and medical examiners reviewing inmate deaths. The OCI undertook to conduct a comprehensive review of reports and recommendations dealing with deaths in custody and other matters. The Office retained the services of a senior academic from the University of Ottawa to conduct the project on deaths in custody.

This study, publicly released on June 27, 2007, examined all reported deaths, due to factors other than natural causes, occurring over a five-year period in Canadian penitentiaries. The *Deaths in Custody Study* examined 82 reported suicides, homicides, and accidental deaths in custody from 2001 to 2005. The report provided evidence that the Correctional Service has limited capacity to keep a corporate focus on recommendations related to deaths in custody. It documented a failure to consistently incorporate lessons learned and implement corrective action over time and across regions,

as such the same errors and recommendations are being made time and again. The Correctional Service has begun to respond to the issues identified in the study.

Externally, the Office has maintained its criminal justice outreach and public education activities. It held a formal press conference upon release of its 2005-2006 Annual Report, which focused on concerns related to Aboriginal federal offenders, and received wide media coverage. Both OCI management and staff have established linkages with many stakeholders and disseminated information about our agency's mandate, role and responsibilities to various organizations and, during conferences at the local, provincial, national and international level.

Internally, the Office has provided a variety of training opportunities to both intake and investigative staff. The objective pursued is that the OCI remains current and capable of providing timely assistance to offenders in relation to on-going and emerging correctional practices, trends and issues. In addition to increasing our physical presence within federal institutions, we have maintained the frequency of our meetings with offender organizations, Native Brotherhoods and Sisterhoods, Black Inmate Associations and Lifer groups.

Our debriefing process at the conclusion of institutional visits with the Warden aims to ensure that those issues which can be resolved are dealt with in a timely fashion. We have continued as well to review specific "areas of concern" with institutional managers during each visit. These areas are frequently raised on complaints and issues associated with rights or liberty concerns such as segregation, the internal grievance process, involuntary transfers and timely access to programs and conditional release.

Throughout fiscal year 2006-2007, the Office has also engaged the Service's senior managers, at both the regional and national level, on a broad spectrum of on-going and emerging correctional issues. In the course of this dialogue, the OCI has clearly expressed its position, provided input, advice and recommendations for improvement or resolution not only on individual and systemic issues, but also regarding policy development and review.

In the final analysis, the ultimate aim of our efforts is the achievement of the OCI's Strategic Outcome, which is to ensure that the problems of offenders in the federal correctional system are identified and resolved in a timely, fair and reasonable fashion.

E. Link to Government of Canada Outcome Area

As Canada's federal prison Ombudsman offering independent oversight of federal Corrections, the Office of the Correctional Investigator (OCI) contributes to public safety and the promotion of human rights by providing independent and timely review of offender complaints. Public safety is enhanced by ensuring that offenders are treated fairly, provided the necessary assistance to become law-abiding citizens, and safely reintegrated into society in a timely and supported fashion. As part of the Public Safety Portfolio, the OCI contributes to safe and secure communities.

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Analysis by Program Activity

2.1 Strategic Outcome

The OCI's Strategic Outcome (SO) is "the problems of offenders in the federal correctional system are identified and resolved in a timely and reasonable fashion". It is also the expected result of the OCI's Program Activity (PA) "Oversight of Correctional Operations", which regroups the four OCI Priorities/Program Sub-activities described above (Section I – C. Summary Information).

As the chart below illustrates, each expected result at the Program Sub-activity/OCI Priority Level is expressed and should be perceived conceptually as a link in the results chain following from and to the OCI's Strategic Outcome (SO) and its expected result.

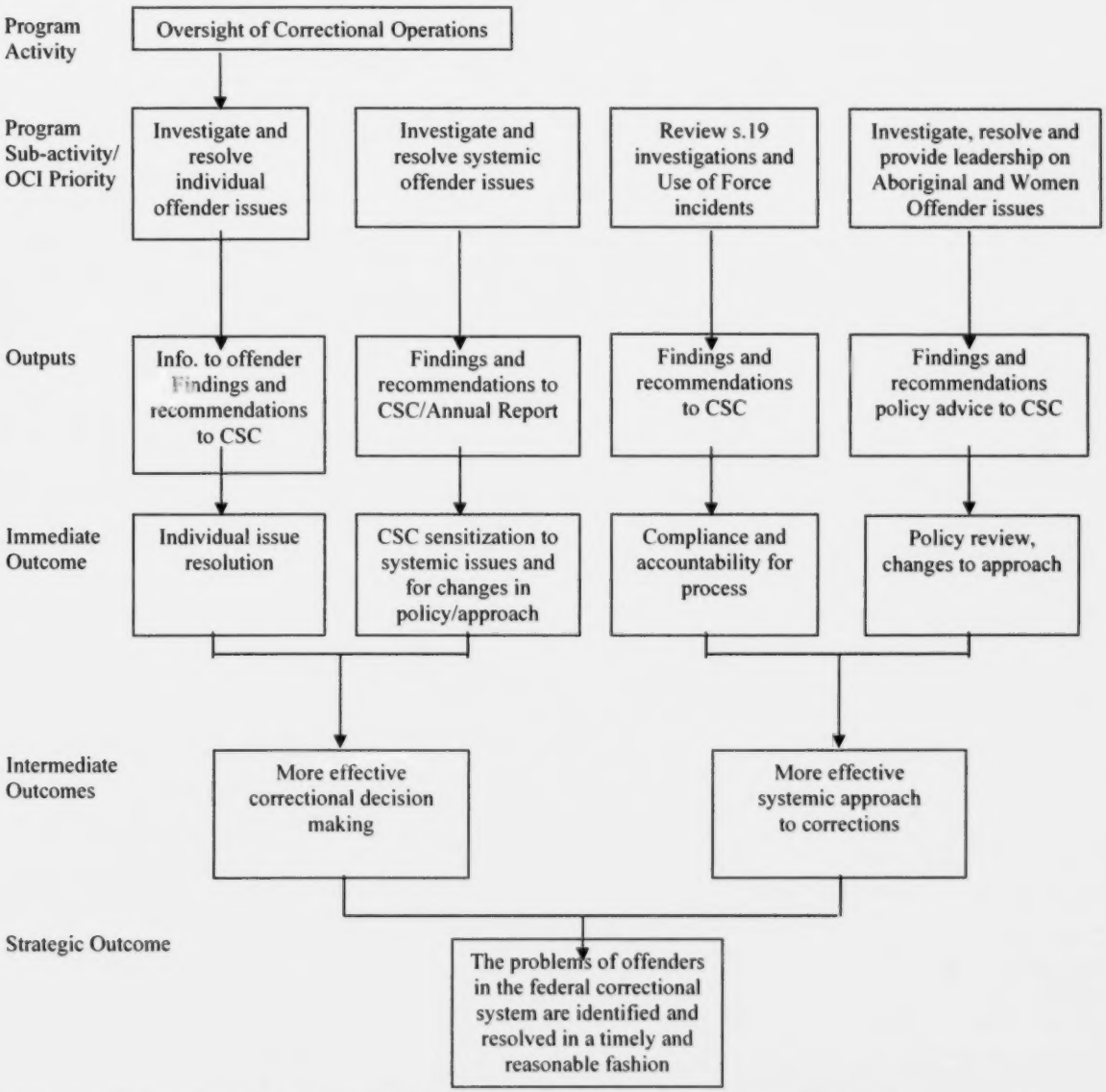
Strategic Outcome	**Expected Results**
The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion	
Program Activity	**Expected Results**
Oversight of correctional operations	▪ The Correctional Service will improve its compliance with regard to Law, policy and procedures, fairness and its previous undertakings ▪ OCI interventions and recommendations, will have an impact (attribution), on CSC performance with regard to the resolution of offender problems
Program Sub-Activity	**Expected Results**
Investigate and resolve individual offender issues	▪ Individual offender complaints are reasonably addressed by the Correctional Service of Canada (CSC) and corrective action is taken (when necessary)
Investigate, monitor and resolve systemic offender issues (Mental Health is an area of special interest)	▪ Systemic issues will be acknowledged by CSC and corrective action taken
Monitor, evaluate and provide representations on CSC management of mandated issues (s.19 investigations and Use of Force incidents)	▪ Increased thoroughness, objectivity and timeliness of the Correctional Service of Canada's investigative process regarding s.19 Investigations and Use of Force incidents
Investigate, resolve and provide leadership on specifically identified issues (e.g.	▪ Improvement in CSC performance with regard to specific issues related to Women Offenders

Women Offenders and Aboriginal Offenders)	and Aboriginal Offenders

The Logic Model presented below illustrates the OCI's views of its service delivery methods to support its mandate and achieve its strategic outcome of timely and reasonable identification and resolution of problems encountered by federal offenders.

The Logic Model identifies the linkages between the activities of the OCI Program and the achievement of its outcomes. It clarifies the activities that make up its program and the sequence of outcomes expected to result from these activities.

2.2 OCI Logic Model


Program Activity
Oversight of Correctional Operations
Program Sub-activity/ OCI Priority
Investigate and resolve individual offender issues
Investigate and resolve systemic offender issues
Review s.19 investigations and Use of Force incidents
Investigate, resolve and provide leadership on Aboriginal and Women Offender issues
Outputs
Info. to offender Findings and recommendations to CSC
Findings and recommendations to CSC/Annual Report
Findings and recommendations to CSC
Findings and recommendations policy advice to CSC
Immediate Outcome
Individual issue resolution
CSC sensitization to systemic issues and for changes in policy/approach
Compliance and accountability for process
Policy review, changes to approach
Intermediate Outcomes
More effective correctional decision making
More effective systemic approach to corrections
Strategic Outcome
The problems of offenders in the federal correctional system are identified and resolved in a timely and reasonable fashion

2.3 Oversight of Correctional Operations

Financial Resources (in thousands)

Planned Spending	Authorities	Actual Spending
$3,114	$3,268	$3,156

Human Resources

Planned	Actual	Difference
22 FTEs	22 FTEs	0 FTEs

The OCI's program activity is the "oversight of correctional operations" and its expected results are that the Correctional Service will improve its compliance with regard to Law, policy and procedures, fairness and its previous undertakings and that OCI interventions and recommendations, will have an impact (attribution), on CSC performance with regard to the resolution of offender problems.

The exercise of performance measurement is a challenge for an agency like the OCI that has no direct authority over the expected results of its interventions. The OCI's influence, as with any ombudsman agency, is limited to the recommendations it may make to effect change. That being said, the OCI is reporting on a range of results from 'did not meet' to 'exceeded' and these are directly attributable to the actions that CSC took in response to the OCI's interventions. The OCI, with assistance from the Treasury Board Secretariat, will be further reviewing its performance measures in an attempt to develop indicators that more accurately reflect the outcomes upon which it can exert some influence.

Priority 1

Investigate and resolve individual offender issues

The role of the Correctional Investigator is to be an Ombudsman for federal offenders. The primary functions of the Office are to investigate and bring resolution to individual offender complaints. The vast majority of concerns are addressed by the OCI at the institutional level through discussion and dispute resolution.

Performance in 2006-2007

In 2006-2007, the OCI recorded 7,662 complaints from or on behalf of federal offenders, compared to 7,591 during the fiscal year 2005-2006. OCI staff conducted 2,701 interviews with federal offenders in 2006-2007 as opposed to 2,426 interviews in the previous fiscal year. During every visit to an institution, OCI staff also meets with

several staff members within the institutions to seek resolution to offender issues. The OCI is proud of the responsiveness and the successes experienced in resolving offender issues at the institutional level.

These numbers reflect the consistency with which the OCI continues to provide services to Canadians and more specifically, to federal offenders. The number of complaints is indicative of the level of need reported by federal offenders and ongoing challenges for the OCI. This only reinforces the need for the OCI to maintain its dialogue and work with the Correctional Service of Canada to improve its responsiveness to longstanding issues.

Consequently, the OCI must continue to respond to recurring complaints while considering innovative and proactive strategies to resolve systemic issues. For example, the "areas of concern" addressed with institutional and regional managers allow for the OCI's ongoing monitoring of the Service's performance on a number of specific systemic issues and to submit recommendations accordingly.

In 2006-2007, staff of the OCI spent 407 days within federal correctional institutions, as opposed to 370 days in the previous fiscal year. The increase in our institutional presence and in the number of individual interviews has been achieved through internal reallocation of resources and the use of other temporary staffing mechanisms such as interchanges, to assist with the ongoing absences of two investigative staff members. This has not been without its own challenges, and discussions are ongoing with Treasury Board to find solutions to the gaps in our resourcing levels which continue to be impacted by workload pressures.

Priority 2

Investigate, monitor and resolve systemic offender issues

While the primary role of the Office of the Correctional Investigator is to investigate and resolve complaints from individual offenders, it has, as well, the responsibility to review and make recommendations on the Correctional Service of Canada's policies and procedures associated with the areas of individual complaints to ensure that systemic areas of concern are identified and appropriately addressed.

Performance in 2006-2007

As indicated above, the OCI is concerned with the slow pace of progress made by the Correctional Service of Canada, with regard to a number of long standing systemic issues, despite significant efforts and a broad spectrum of recommendations by the OCI towards improvements or resolution.

Among the key issues that remain of concern are: (1) the delivery of health care services that meet professionally accepted standards; (2) the introduction of a needle exchange program to curtail the spread of infectious diseases such as Hepatitis C and HIV within

and outside the penitentiary walls; (3) the implementation of an internal grievance system that meets the legal requirement "for fairly and expeditiously resolving offenders' grievances"; (4) full implementation of CSC's harassment policy; (5) the elimination of the policy which requires that federally sentenced offenders serving a minimum life sentence for first- or second-degree murder be classified as maximum security for at least the first two years of federal incarceration; (6) the development of risk assessment tools that do not unjustifiably over-classify women and Aboriginal offenders; (7) the reduction of offenders, often mentally ill, serving a significant part of their penitentiary sentence in administrative segregation; (8) the significant improvements in safe and timely reintegration of Aboriginal offenders into the community: (9) implementation of a more humane and less restrictive alternative to long-term segregation of women; (10) unreasonable delays in convening CSC investigations into serious injury or death of inmates; and (11) the decrease in the high number of delays in presenting cases to the National Parole Board for consideration.

There are also a number of areas where the OCI's interventions and recommendations to the Service have had a measure of success with regard to systemic issues. The tabling of the OCI's Annual Report 2005-2006 provided an opportunity for Canadians to reflect on the gross over-representation of Aboriginal People in federal Corrections. The tabling of the report also provided added incentive to the CSC to move forward on several key initiatives, including the completion of its Aboriginal Strategy. Hopefully, this monitoring will lead to an improvement in the Service's overall performance in these areas.

Priority 3

Monitor, evaluate, and provide representations on CSC's management of mandated issues (s.19 investigations and Use of Force incidents)

Section 19 of the *Corrections and Conditional Release Act* requires that the Office review all investigations conducted by the Correctional Service of Canada following the death of serious bodily injury to an inmate. The OCI is also engaged in conducting reviews on all institutional incidents involving the Use of Force, in keeping with the recommendation of the 1996 Arbour Commission of Inquiry.

With respect to the OCI reviews of both Section 19 investigations and Use of Force interventions, the OCI pursues all issues of remaining or on-going concern with CSC officials at the appropriate level.

Performance in 2006-2007

A key objective in the OCI's oversight of correctional operations is to ensure that federal offenders are held in safe and secure custodial environments.

Accordingly, a major concern is that CSC staff use force against inmates only when there is no other viable option and then, only to the extent required in the circumstances.

The security and safety of the person is a fundamental protection offered by the Canadian Charter of Rights and Freedoms. Checks and balances such as those provided by the OCI are perhaps of greater importance in a correctional environment, where the power relationship between the keepers and the kept are exceptionally unequal.

In 2006-2007, the OCI identified that the total number of incidents involving the application of force against incarcerated offenders remained consistent with the previous year. There were, however, noteworthy increases in some regions and decreases in others. While such fluctuations across regions have come to be expected, the total number of force related incidents remains of concern. CSC places significant focus on the "changing inmate profile" as the key variable in explaining the level of violence within federal institutions. While the OCI does not question that such change is important, it continues to believe that greater focus on dynamic security and alternate dispute resolution methods, especially at higher security levels, must be a central component in reducing that level of violence.

The Office has continued to identify and work with CSC with respect to the emergence of patterns of problematic applications of force. It has also pursued at every opportunity, through on-going discussion, its position that CSC has to continue to work towards implementation of its full Mental Health Strategy and, by extension, its use of force with respect to mentally disordered offenders.

The Use of Force portfolio within the OCI has struggled with the continuing Use of Force volume pressures versus the resources available to manage this important aspect of the Office's mandate. Compliance targets relating to timeliness of OCI reviews of Use of Force incidents have been an on-going priority but they are, nonetheless, susceptible to the significant surges in reported incidents that occur frequently in any reporting period. The Office is currently pursuing sources of funding to assist in meeting established Compliance targets.

As in past years, another dimension of the OCI's focus on the safety and security of federal institutions is on the timeliness and quality of the investigation the Correctional Service of Canada undertakes, as per Section 19 of the *Corrections and Conditional Release Act*, when an offender suffers serious bodily injury or dies.

For many years now, the OCI has maintained that the timeliness and quality of CSC's investigative process, including meaningful analysis of the findings and enterprise wide sharing of lessons learned, was absolutely critical in lowering the level of institutional violence. The OCI continues to be concerned with both the timeliness of the over-all CSC process for reviewing in-custody deaths and the extent to which CSC has used the results of those reviews to cause measurable improvements to its operations occur.

In 2006-2007, the OCI undertook to complete a more in-depth analysis of deaths that occurred within the CSC facilities and which were not as a result of natural causes. The study reinforced many of the concerns that the OCI has been identifying and pursuing

with CSC for a number of years. CSC's response to these concerns will remain a focal issue through the next reporting period.

While the OCI is encouraged by the ongoing identification by the Service of institutional violence as a priority area, it will continue to insist that CSC invests the resources necessary to systematically gather and thoroughly analyse significant data on this critical correctional problem.

Along the same vein, the OCI has spent most of the last year dealing with a large backlog of s. 19 investigation reviews that accumulated during the Coordinator's re-assignment of duties related to the issues of mental health programming between October 2005 and the end of July 2006. While the OCI did not meet its compliance target of reviewing s.19s within 20 days of receipt between October 2006 and March 2007, it has made significant progress in resolving this large backlog.

Priority 4

Investigate, resolve and provide leadership on specifically identified issues (Women and Aboriginal Offenders)

The Office of the Correctional Investigator (OCI) conducts specialized investigations and attempts to resolve the issues raised by or on behalf of Women and Aboriginal Offenders. In cooperation with its partners, both governmental and non-governmental, it provides observations, advice, and direction to the Correctional Service of Canada and others regarding these issues.

Performance in 2006-2007

The OCI's interventions and the active support of several key stakeholders have led to some progress by the Service in addressing some long standing systemic issues.

Foremost among these is the recognition by CSC that their initial classification instrument for women offenders was discriminatory and resulted in higher than needed security classifications for women. As a result, the Service has signed a contract for the development of a new initial classification instrument, that is gender sensitive and which recognizes the unique needs and circumstances of racialized women and women living with disabilities.

CSC has also been able to increase accommodation for women upon release to the community in the Atlantic and Pacific regions. These regions were previously underserved. Additionally, CSC has recognized that it must address the employment and employability needs of women offenders in order to reduce the likelihood of re-offending. As such, the Service conducted an employment needs survey for incarcerated women, which resulted in the development and implementation of a National Employment Strategy Framework for this population.

However, the OCI has been less successful in influencing CSC into meaningful corrective action on a number of critical issues. Among these, the OCI is concerned that there has been a significant increase in the number of women offenders returning to the community on Statutory Release, rather then on Day or Full Parole over the last two years. During the same period, there has been a corresponding increase in the number of waivers and postponements of National Parole hearings by women offenders, especially Aboriginal offenders.

At least part of the explanation revolves around timely access to correctional programs, notably in secure women's units. Additionally there remains a lack of access to Aboriginal programming outside the Prairie Region.

The plight of Aboriginal offenders in the federal correctional system has been a key issue for the OCI for at least a decade. Countless recommendations have been during that period to address discriminatory correctional practices and improve treatment offered by the Correctional Service of Canada.

For several years the Office of the Correctional Investigator has strongly recommended the Service develop initiatives that would enhance the capacities to provide effective interventions for First Nations, Métis and Inuit Offenders. Partly in response to these recommendations the Correctional Service Canada introduced the National Action Plan for Aboriginal Corrections in the fall of 2006. The objectives of the Aboriginal Strategy were twofold; to implement a continuum of care for Aboriginal offenders and to address systemic barriers related to timely, safe reintegration.

In response, there have been considerable investments by CSC and some positive outcomes. The focus of Aboriginal offender program assignments has shifted over the past year towards more cultural-specific programming. Fiscal year 2005-2006 saw a significant increase in the percentage of Aboriginal offenders assigned to such programming. The range of Aboriginal-specific programs continues to be expanded by CSC.

Notwithstanding the above, the overall correctional outcomes of Aboriginal offenders have not measurably improved. The systemic bias of existing classification and penitentiary placement instruments continues to result in an overrepresentation of Aboriginals in maximum security institutions and an under-representation in minimum security institutions. Aboriginal offenders are less likely to be granted temporary absences or day or full parole at their eligibility dates. Their longer period of incarceration and increasing tendency to be freed either on statutory release or at warrant expiry results in less time in the community for programming, other forms of custodial assistance and supervision. There has been a noted increase in the numbers of Aboriginal offenders who have their conditional release suspended and revoked. Aboriginal offenders are re-admitted to federal custody within two years after warrant expiry more frequently than non-Aboriginal offenders.

Aboriginal correctional issues continue to be a key area of concern for the OCI. We will continue, with the cooperation of our numerous stakeholders in the Aboriginal community, to engage the Service in a constructive and productive dialogue on addressing systemic barriers, and the adoption of culturally responsive correctional practices and strategies.

SECTION III: SUPPLEMENTARY INFORMATION

Organizational Information

3.1 Mandate

The Office of the Correctional Investigator was established in 1973 pursuant to Part II of the *Inquiries Act*. With the proclamation in November 1992 of Part III of the *Corrections and Conditional Release Act*, the Office was based upon its own legislation. The mandate of the Correctional Investigator, as defined by this legislation, is to function as an Ombudsman for federal offenders. The Correctional Investigator is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on his own initiative. The Correctional Investigator is required by legislation to report annually through the Minister of Public Safety and Emergency Preparedness Canada to both Houses of Parliament.

3.2 Mission Statement

As Canada's federal prison Ombudsman offering oversight of federal Corrections, the Correctional Investigator contributes to public safety and the promotion of human rights by providing independent and timely review of offender complaints. The Correctional Investigator makes recommendations that assist in the development and maintenance of an accountable federal correctional system that is fair, humane and effective.

3.3 Program Activity and Resources

The Office of the Correctional Investigator (OCI) has one Program Activity which, as detailed in Section 167 of the *Corrections and Conditional Release Act (CCRA)*, which is to conduct investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Commissioner of Corrections or any person under the control and management of, or performing service for or on behalf of the Commissioner of Corrections that affects offenders either individually or as a group.

Section 19 of the CCRA requires that the Office reviews all investigations performed by the Correctional Service of Canada following the death or serious bodily injury to an inmate. The OCI is also committed to a similar review function with respect to Use of Force interventions, in keeping with the recommendations of the Arbour Commission of Inquiry.

The Office of the Correctional Investigator is lead by the Correctional Investigator who reports to Parliament through the Minister of Public Safety and Emergency Preparedness Canada. The Agency's resources provide for 22 full-time equivalents, of which twenty are directly involved, as intake officers, coordinators or directors, in the day to day addressing of inmate complaints. The total resources are $3,268,000 for the fiscal year 2006-2007.

Exhibit 3.1 OCI Organization Chart

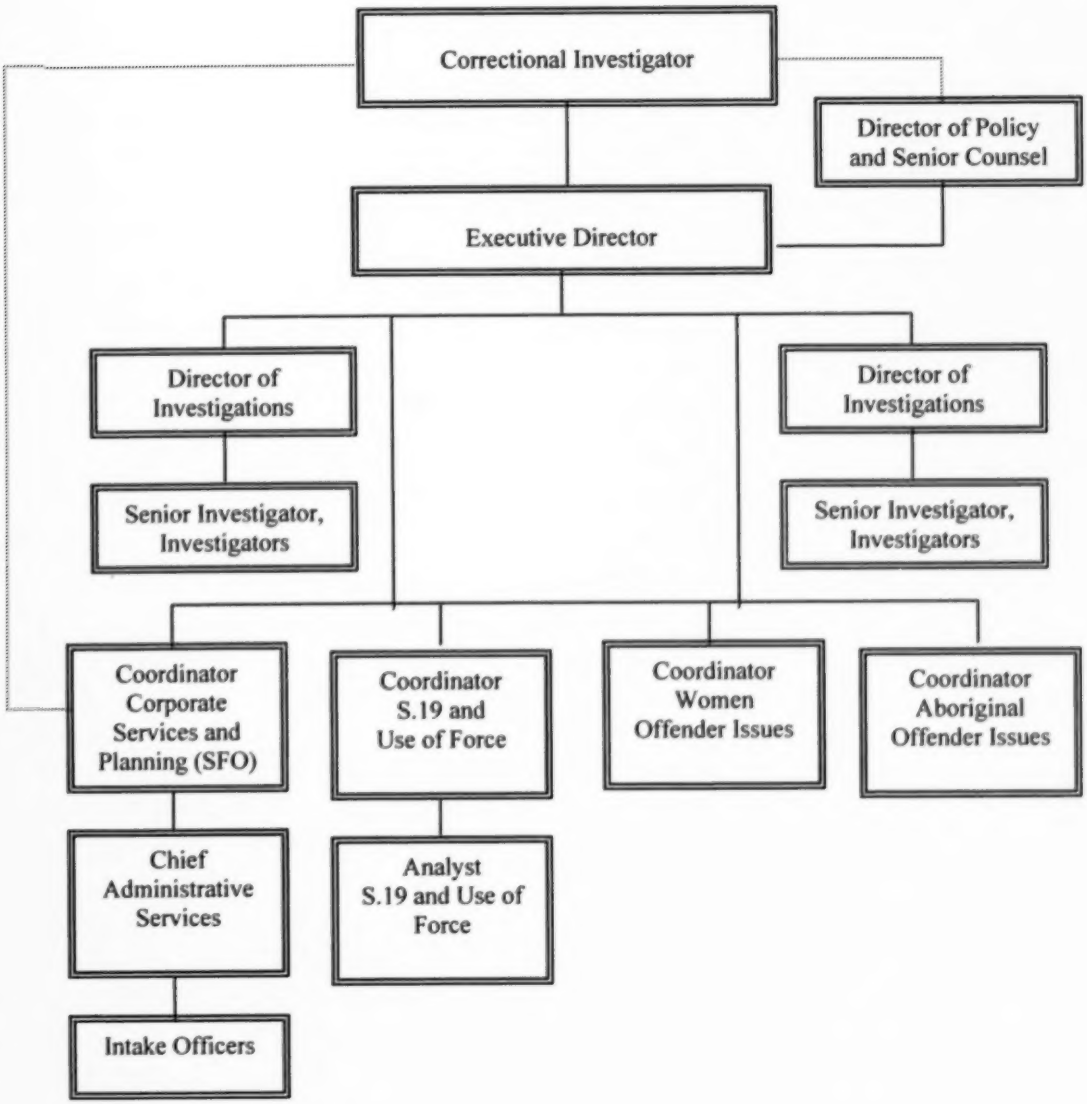


Table 1: Comparison of Planned to Actual Spending (including Full-time Equivalents)

($ thousands)	2004–05 Actual	2005–06 Actual	2006–07			
			Main Estimates	Planned Spending	Total Authorities	Total Actuals
Oversight of Correctional Operations	2,871	3,115	3,114	3,114	3,268	3,156
Total	**2,871**	**3,115**	**3,114**	**3,114**	**3,268**	**3,156**
Less: Non-respendable revenue	---	---	N/A	---	N/A	---
Plus: Cost of services received without charge	258	258	N/A	411	N/A	440
Total Departmental Spending	3,129	3,373	N/A	3,525	N/A	3,596
Full-time Equivalents	22	24	N/A	22	N/A	22

Table 2: Resources by Program Activity

($ thousands)

2006–07									
Program Activity	**Budgetary**							**Plus: Non-budgetary**	**Total**
	Operating	**Capital**	**Grants**	**Contributions and Other Transfer Payments**	**Total: Gross Budgetary Expenditures**	**Less: Respendable Revenue**	**Total: Net Budgetary Expenditures**	**Loans, Investments, and Advances**	
Oversight of Correctional Operations									
Main Estimates	3,114	---	---	---	3,114	---	3,114	---	3,114
Planned Spending	3,114	---	---	---	3,114	---	3,114	---	3,114
Total Authorities	3,268	---	---	---	3,268	---	3,268	---	3,268
Actual Spending	3,156	---	---	---	3,156	---	3,156	---	3,156

Table 3: Voted and Statutory Items

($ thousands)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2006–07			
		Main Estimates	Planned Spending	Total Authorities	Total Actuals
55	Operating expenditures	2,750	2,750	2,904	2,831
(S)	Contributions to employee benefit plans	364	364	364	325
	Total	**3,114**	**3,114**	**3,268**	**3,156**

Table 4: Services Received Without Charge

($ thousands)	2006–07 Actual Spending
Accommodation provided by Public Works and Government Services Canada	261
Contributions covering the employer's share of employees' insurance premiums and expenditures paid by the Treasury Board of Canada Secretariat (excluding revolving funds); employer's contribution to employees' insured benefits plans and associated expenditures paid by the Treasury Board of Canada Secretariat	179
Total 2006–07 Services received without charge	**440**

Table 5: User Fee Act

User Fee	Fee Type	Fee-setting Authority	Date Last Modified	2006-07					Planning Years		
				Forecast Revenue ($)	Actual Revenue	Full Cost ($)	Performance Standard	Performance Results	Fiscal Year	Forecast Revenue ($)	Estimates Full Cost ($)
Fees charged for the processing of access requests filed under the *Access to Information Act (ATIA)*	Other products and services (O)	*Access to Information Act*	1992	50	35	19,000	Response provided within 30 days following receipt of request; the response time may be extended pursuant to section 9 of the *ATIA*. Notice of extension to be sent within 30 days after receipt of request The *Access to Information Act* provides further details: http://laws.justice.gc.ca/en/A-1/218072.html	100%	2007-08	50	20,000
									2008-09	50	20,000
									2009-10	50	20,000

Table 6: Financial Statements

Statement of Management Responsibility (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

Responsibility for the integrity and objectivity of the accompanying financial statements for the year ended March 31, 2007, and all information contained in these statements rests with departmental management. These financial statements have been prepared by management in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Management is responsible for the integrity and objectivity of the information in these financial statements. Some of the information in the financial statements is based on management's best estimates and judgment and gives due consideration to materiality. To fulfil its accounting and reporting responsibilities, management maintains a set of accounts that provides a centralized record of the department's financial transactions. Financial information submitted to the Public Accounts of Canada and included in the Office's Departmental Performance Report is consistent with these financial statements.

Management maintains a system of financial management and internal control designed to provide reasonable assurance that financial information is reliable, that assets are safeguarded and that transactions are in accordance with the *Financial Administration Act*, are executed in accordance with prescribed regulations, within Parliamentary authorities, and are properly recorded to maintain accountability of Government funds. Management also seeks to ensure the objectivity and integrity of data in its financial statements by careful selection, training and development of qualified staff, by organizational arrangements that provide appropriate divisions of responsibility, and by communication programs aimed at ensuring that regulations, policies, standards and managerial authorities are understood throughout the Office.

The financial statements of the Office have not been audited.

Howard Sapers
Correctional Investigator

Date 2007/08/10

Mary-Anne Ruedl
Senior Financial Officer

Date 2007. 08. 10

Statement of Financial Position (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

At March 31 (in dollars)	2007	2006
Assets		
Financial Assets		
Accounts receivable and advances (Note 4)	33,602	26,235
Total Assets	**33,602**	**26,235**
Liabilities and Equity of Canada		
Liabilities		
Accounts payable and accrued liabilities	135,858	160,593
Vacation pay and compensatory leave	148,380	137,680
Employee severance benefits (Note 5)	446,472	407,778
Total Liabilities	**730,710**	**706,051**
Equity of Canada	(697,108)	(679,816)
Total Liabilities and Equity of Canada	**33,602**	**26,235**

There are no contingent liabilities or contractual obligations

The accompanying notes form an integral part of these financial statements

Statement of Equity of Canada (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

For the Year Ended March 31 (in dollars)	2007	2006
Equity of Canada, beginning of year	**(679,816)**	(653,219)
Net cost of operations	**(3,643,933)**	(3,677,422)
Current year appropriations used (Note 3)	**3,155,893**	3,167,758
Revenue not available for spending (Note 3)	**(35)**	-
Change in net position in the Consolidated Revenue Fund (Note 3)	**31,226**	57,757
Services provided without charge by other government departments (Note 6)	**439,557**	425,310
Equity of Canada, end of year	**(697,108)**	(679,816)

The accompanying notes form an integral part of these financial statements

Statement of Operations (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

For the Year Ended March 31 (in dollars)	2007	2006
Expenses		
Salaries and employee benefits	2,783,915	2,757,047
Professional and special services	293,588	298,478
Travel and relocation	230,336	238,318
Accommodation	261,074	258,000
Communication	44,140	51,903
Equipment	4,276	40,062
Utilities, material and supplies	15,939	21,512
Information	5,603	2,965
Equipment rentals	2,678	4,686
Repairs	2,118	3,907
Other	301	544
Total Expenses	3,643,968	3,677,422
Revenues		
Other revenues	35	-
Net Cost of Operations	3,643,933	3,677,422

The accompanying notes form an integral part of these financial statements

Statement of Cash Flow (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

For the Year Ended March 31 (in dollars)	2007	2006
Operating activities		
Net Cost of Operations	**3,643,933**	3,677,422
Non-cash items:		
Services provided without charge by other government departments	**(439,557)**	(425,310)
Variations in Statement of Financial Position:		
Increase (decrease) in accounts receivable and advances	**7,367**	(140,899)
Decrease (increase) in liabilities	**(24,659)**	114,302
Total Cash used by Operating Activities	**3,187,084**	3,225,515
Financing activities		
Net cash provided by Government of Canada	**(3,187,084)**	(3,225,515)

The accompanying notes form an integral part of these financial statements

Notes to the Financial Statements (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

1. Authority and purpose

The ***Office of the Correctional Investigator*** was established in 1973 pursuant to *Part II of the Inquiries Act*. With the proclamation in November 1992 of Part III of the *Corrections and Conditional Release Act*, this is now the enabling legislation. The mandate of the Correctional Investigator, as defined by this legislation, is to function as an Ombudsman for federal offenders. The Correctional Investigator is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on his own initiative. The Correctional Investigator is required by legislation to report annually through the Minister of Public Safety to both Houses of Parliament.

In addition, Section 19 of the *Corrections and Conditional Release Act* requires that the Correctional Service of Canada "where an inmate dies or suffers serious bodily injury" conduct an investigation and provide a copy of the report to the Correctional Investigator.

2. Significant accounting policies

The financial statements have been prepared in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Significant accounting policies are as follows:

(a) Parliamentary appropriations
The Office is financed by the Government of Canada through Parliamentary appropriations. Appropriations provided to the Office do not parallel financial reporting according to generally accepted accounting principles since appropriations are primarily based on cash flow requirements. Consequently, items recognized in the statement of operations and the statement of financial position are not necessarily the same as those provided through appropriations from Parliament. Note 3 provides a high-level reconciliation between the bases of reporting.

(b) Net Cash Provided by Government
The Office operates within the Consolidated Revenue Fund (CRF), which is administered by the Receiver General for Canada. All cash received by the Office is deposited to the CRF and all cash disbursements made by the Office are paid from the CRF. The net cash provided by Government is the difference between all cash receipts and all cash disbursements including transactions between departments of the federal government.

(c) Change in net position in the Consolidated Revenue Fund
The change in net position in the Consolidated Revenue Fund is the difference between the net cash provided by Government and appropriations used in a year, excluding the amount of non respendable revenue recorded by the Office. It results from timing differences between when a transaction affects appropriations and when it is processed through the CRF.

Notes to the Financial Statements (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

2. Significant accounting policies (continued)

(d) Revenues
Revenues are accounted for in the period in which the underlying transaction or event occurred that gave rise to the revenues. Revenues include access to information program (ATIP) fees, employees' parking fees etc.

(e) Expenses
Expenses are recorded on the accrual basis:

- Vacation pay and compensatory leave are expensed as the benefits accrue to employees under their respective terms of employment.

3. Parliamentary Appropriations

The Office receives most of its funding through annual Parliamentary appropriations. Items recognized in the statement of operations and the statement of financial position in one year may be funded through Parliamentary appropriations in prior, current or future years. Accordingly, the Office has different net results of operations for the year on a government funding basis than on an accrual accounting basis. The differences are reconciled in the following tables:

(a) Reconciliation of net cost of operations to current year appropriations used:

(in dollars)	2007	2006
Net cost of operations	3,643,933	3,677,422
Adjustments for items affecting net cost of operations but not affecting appropriations:		
Add (Less):		
Adjustments to accounts payable at year end	876	391
Employee severance benefits	(38,694)	(84,745)
Vacation pay and compensatory leave	(10,700)	-
Revenue not available for spending	35	-
Services provided without charge by other government departments	(439,557)	(425,310)
	(488,040)	(509,664)
Current year appropriations used	3,155,893	3,167,758

(b) Appropriations provided and used:

(in dollars)	2007	2006
Program expenditures - Vote 55	2,750,000	2,558,000
Supplementary Vote 55a	127,900	-
Supplementary Vote 55b	-	-
Transfer from TB - Vote 5	7,857	-
Transfer from TB - Vote 10	-	-
Transfer from TB - Vote 15	18,000	-
Governor General's special warrants	-	354,900
	2,903,757	2,912,900
Less:		
Lapsed appropriations	(72,862)	(158,593)
	2,830,895	2,754,307
Add Statutory amounts:		
Contributions to employee benefits plan	324,998	413,451
Current year appropriations used	3,155,893	3,167,758

3. Parliamentary Appropriations (continued)

(c) Reconciliation of net cash provided by Government to current year appropriations used:

(in dollars)	2007	2006
Net cash provided by Government	3,187,084	3,225,515
Revenue not available for spending	35	-
	3,187,119	3,225,515
Change in net position in the Consolidated Revenue Fund		
Refund/adjustments of previous years expenditures	876	391
(Increase) decrease in accounts receivable	(7,367)	140,899
Increase (decrease) in accounts payable	24,659	(199,047)
Provision for severance pay and vacation leave	(49,394)	-
	(31,226)	(57,757)
Current year appropriations used	3,155,893	3,167,758

4. Accounts Receivable and Advances

(in dollars)	2007	2006
Receivables from other Federal Government departments and agencies	33,002	25,635
Employee advances	600	600
Total	33,602	26,235

5. Employee Benefits

(a) Pension benefits

The Office's employees participate in the Public Service Pension Plan, which is sponsored and administered by the Government of Canada. Pension benefits accrue up to a maximum period of 35 years at a rate of 2 percent per year of pensionable service, times the average of the best five consecutive years of earnings. The benefits are integrated with Canada/Québec Pension Plans benefits and they are indexed to inflation.

Both the employees and the Office contribute to the cost of the Plan. The 2006-07 expense amounts to $324,998 ($305,954 in 2005-06), which represents approximately 2.2 times (2.6 in 2005-06) the contributions by employees.

The department's responsibility with regard to the Plan is limited to its contributions. Actuarial surpluses or deficiencies are recognized in the financial statements of the Government of Canada, as the Plan's sponsor.

5. Employee Benefits (continued)

(b) Severance benefits

The department provides severance benefits to its employees based on eligibility, years of service and final salary. The accrued benefit obligation at the end of the year is calculated by multiplying a ratio (23.20% for 2006 and 23.64% for 2007) to the department's annual gross payroll at year end subject to severance pay, which is the payroll related to indeterminate employees. The ratios are determined by Treasury Board Secretariat. These severance benefits are not pre-funded. Benefits will be paid from future appropriations. Information about the severance benefits, measured as at March 31, is as follows:

(in dollars)	2007	2006
Accrued benefit obligation, beginning of year	407,778	323,033
Accrued expense for the year	38,694	84,745
Accrued benefit obligation, end of year	**446,472**	407,778

6. Related party transactions

The Office is related as a result of common ownership to all Government of Canada departments, agencies, and Crown corporations. The Office enters into transactions with these entities in the normal course of business and on normal trade terms. Also, during the year, the Office received services which were obtained without charge from other Government departments as presented in part (a).

(a) Services provided without charge:

During the year the Office received service without charge from other departments. These services have been recognized in the Office's Statement of Operations as follows:

(in dollars)	2007	See note 7 2006
Accommodation	261,074	258,000
Employer's contribution to the health and dental insurance plans	178,483	167,310
	439,557	425,310

The Government has structured some of its administrative activities for efficiency and cost-effectiveness purposes so that one department performs these on behalf of all without charge. The costs of these services, which include payroll and cheque issuance services provided by Public Works and Government Services Canada, are not included as an expense in the Office's Statement of Operations.

(b) Payables and receivables outstanding at year-end with related parties:

(in dollars)	2007	2006
Accounts receivable with other government departments and agencies	33,002	25,635
Accounts payable to other government departments and agencies	37,751	12,993

Notes to the Financial Statements (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

7. Comparative information

Comparative figures have been restated to conform to the current year's presentation.
The services provided without charge included in the financial statements of fiscal year 2005-06 have been restated to reflect the actual costs. The effect is an increase in salaries and employee benefits on the statement of operations. The restatements are also reflected on the statement of cash flow but do not affect the net cash provided by the government, the appropriation used or the equity of Canada.

Table 7: Travel Policies

OCI Statement:
The Office of the Correctional Investigator follows the Treasury Board of Canada Secretariat "*Special Travel Authorities*".
The Office of the Correctional Investigator follows the Treasury Board of Canada Secretariat "*Travel Directive*, Rates and Allowance".

SECTION IV: OTHER ITEMS OF INTEREST

Other Items of Interest

4.1 Government on-line

Website: http://www.oci-bec.gc.ca
Email: org@oci-bec.gc.ca

4.2 Statutes and Regulations

Corrections and Conditional Release Act, S.C. 1992 Part 3

4.3 Reports and Discussion Papers

- Auditor General 2006 Annual Report, Chapter 11, November 2006 (http://www.oag-bvg.gc.ca)

- Canadian Human Rights Commission (Special Report) – Protecting Their Rights: a Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women (2003) (http://www.chrc-ccdp.ca)

- Correctional Investigator's Annual Reports, 1998-1999 to Present (http://www.oci-bec.gc.ca)

- Correctional Investigator's Response to the Canadian Human Rights Commission's Consultation Paper for the Special Report on the Situation of Federally Sentenced Women (http://www.oci-bec.gc.ca)

- OCI's Deaths in Custody Study, June 27, 2007 (http://www.oci-bec.gc.ca)

- Correctional Investigator's Presentation to the Correctional Service of Canada Review Panel, June 27, 2007 (http://www.oci-bec.gc.ca)

- Correctional Investigator's Presentation to the Senate Committee on Social Affairs, Science and Technology: Mental Health, Mental Illness and Addiction, June 7, 2005 (http://www.oci-bec.gc.ca)

- Previous OCI Departmental Performance Reports and OCI Reports on Plans and Priorities (http://www.oci-bec.gc.ca)

- The Senate of Canada U Out of the Shadows at Last – Transforming Mental Health on Addiction Services in Canada, May 2006 (http://www.parl.gc.ca)

4.4 References

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